JURY GETS HARDY CASE TODAY!

Nevada City Grass Valley NUGGET

Vol. 21—No. 112 NEVADA CITY-GRASS VALLEY, CALIFORNIA TUESDAY, Jan. 27, 1948

TYPING AWARDS ANNOUNCED BY MT. ST. MARY'S

GRASS VALLEY: Mt. St. Mary's Business School announces the following awards for January typing tests, judged and certified by the Gregg Writer of New York:

Marion Armstrong typed 76 words a minute for 10 minutes with five errors.

Rita Oyung typed 72 words a minute for 10 minutes with five errors.

Henrietta Baldasseroni typed 67 words a minute for 10 minutes with two errors.

Noreen Ross typed 64 words a minute for 10 minutes with five errors.

David Morandi typed 59 words a minute for 10 minutes with four errors.

Olive Fulton typed 59 words a minute for 10 minutes with four errors.

Nicholas Cassesi typed 59 words a minute for 10 minutes with four errors.

Mary Jane Kaufman typed 57 words a minute for 10 minutes with five errors.

Roberta Knight typed 53 words a minute for 10 minutes with three errors.

Students who have completed or will complete their high school courses this month as the semester closes are invited to enroll at Mt. St. Mary's Business School, Grass Valley, California, for a secretarial education or commercial instruction. Junior College students may enroll at the Business School and take advantage of the work offered.

Olive Fulton, who served in the U.S. Marine Corps Reserve, enrolled for a secretarial course under the G.I. Bill of Rights.

Roberta Knight, former Sacramento College student, and Hazel Baker, a former University of Nevada student, are also taking advantage of the January class.

POST OFFICE GAINS 22 PCT. SAYS WASLEY

NEVADA CITY: William J. Wasley, acting postmaster for the Nevada City postoffice, reported that 1947 showed an increase in postal receipts of $6,005.37, a gain of approximately 22 per cent over 1946.

Receipts for 1946 were $27,635.89, and for 1947, $33,641.36. To become a first class postoffice annual receipts must be $40,000 or more.

NEW NORTH SAN JUAN CHAMBER SPEEDS UP

NORTH SAN JUAN: Chamber of Commerce of North San Juan, Camptonville and Vicinity. Have second meeting. On January 15, 1948 the Chamber of Commerce held it's second meeting, having a membership 87 strong as a starter.

This new organization has enthusiasm to spare and is setting a fine example for older orders.

The order is striving to create goodwill and has a definite aim in view. The first dance is to be given at the Twambly Hall.

The next meeting is to be held the first Thursday of February. In the near future the meetings are to alternate each month, one in Camptonville and one in North San Juan.

The membership is expected to reach the 150 mark the next meeting night, February 5, 1948. The organization's motto is "Be Friendly, Fair, Frank and Fearless". The membership is to carry the motto also "We Conflict With None".

Mrs. Adeline Merriam Conner has dedicated a lovely poem and gives the spirit of the Ridge which she knew so well and has retained in her mind from memory as a girl.

"North San Juan Chamber of Commerce"
Through long years it grew and prospered,
By our sturdy pioneers
And they kept it fairly humming
Through the gay, exciting years;
Through long years it grew and prospered,
Shaded by its fragrant pines,
Till the whole land knew the story
Of its great hydraulic mines.

Then there came a time of trouble,
When the roaring mines were still
And the somber shadows deepened
Over canyon, stream and hill;
But the olden spirit lingered,
North San Juan refused to die,
Here she stood and here she waited
As the empty years rolled by.

North San Juan is now resurgent,
She is on the march once more,
Looking to a brighter future
Then the past she knew of yore;
Modern pioneers will guard her,
Gay and prosperous she must be,
For the force that leads her onward,
Is her stalwart C. of C.

—By Adeline Merriam Conner.

SPECTATORS LIKED NUGGETS AT COLOMA

NEVADA CITY: Nuggets tossed of the old Graniteville stage as it led the float parade in the Centennial Celebration at Coloma Saturday created great excitement. The pebbles, gilded by Leo Cullen, fooled a great many of the onlookers, who apparently thought they were getting real gold.

The old stage coach was loaned by Hydraulic Parlor, Native Sons of the Golden West, and was a project of the Chamber of Commerce and the Business and Professional Women's Club.

Riding in the parade, dressed in beautiful 49er garb, were Mrs. Leo Cullen, Mrs. Isabel Hefelfinger, Mrs. Charles Veale, and Miss Patricia Sturtivant. Ed Granholm, whose team drew the coach, held the reins and young Bob Cullen rode with him.

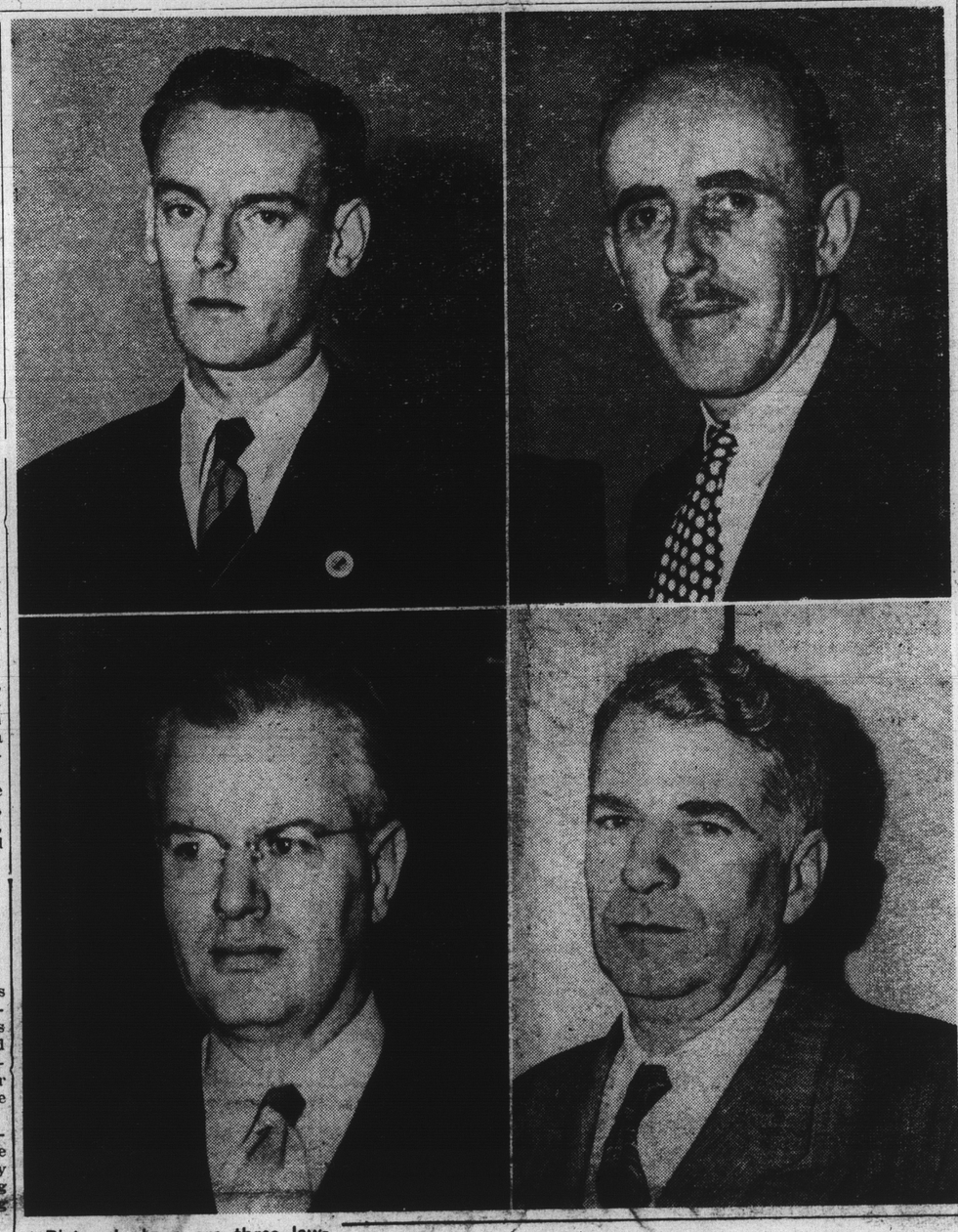
The gilded pebbles were contained in four ammunition boxes, and thrown out by the ladies. On the back of the coach was an advertisement for the Nevada City-Grass Valley Centennial celebration July 3, 4 and 5.

Among those who aided in the project were Dr. C. W. Chapman, Mrs. Doris Foley, E. L. Holbrook, Sam J. Frost, Leo Cullen, and others.

School Board Not To Accept Students From Other Districts

GRASS VALLEY: The Grass Valley School Board, somewhat alarmed by the increasing numbers of students registered, has adopted a resolution eliminating the practice of accepting students under the inter-district attendance agrrement.

The board has already authorized three new class rooms to be added to the James S. Hennessy School, and at its last meeting discussed the feasibility of adding more class rooms.



Pictured above are three lawyers and the defendant in the widely-publicized murder trial now drawing to a close in Nevada County's Superior Court.

Top right: Frank G. Finnegan, well-known local attorney who was appointed by the court and defended Hardy without fee.

Top left: Joseph Hardy, confessed murderer of James McLain, Burbank elevator operator.

Bottom right: District Attorney Vernon Stoll, who conducted the prosecution. Botton left: John LaRue, prominent Grass Valley barrister, appointed by the court to act as elisor, securing additional jurymen to fill out the panel.

SOFGE STARTS 10TH YEAR AS CHAMBER SCTY.

NEVADA CITY: H. F. Sofge, secretary of the Nevada City Chamber of Commerce, was renamed to that office by the chamber's board of directors at the recent annual dinner meeting. This will be the tenth consecutive term for Sofge.

Sofge, who retired from the State Printing Office in 1937, came to Nevada City to make his home. He had been here but a few months when first elected secretary of the local chamber.

He also serves on several state chamber ..committees, ..such ..as highways and recreation. He never fails to attend meetings and to represent Nevada County in state chamber activities.

HANSEN HEADS QUARTZ PARLOR

GRASS VALLEY: Jack Hansen was installed last evening as president of Quartz Parlor, Native Sons of the Golden West, succeeding John Gaskins. The ceremony was in the Auditorium Building and followed a steak dinner.

LEAP YEAR HOP

GRASS VALLEY: A Leap Year Hop was sponsored by the Catholic Youth Organization in Sierra Hall last Saturday night to which the public was invited.

The committee in charge arranged that girls should escort their young men to the dance, presenting each male with a bouquet of vegetables.

PETTY THEFT CASE

GRASS VALLEY: John Carroll, 19, was arraigned in the township court here yesterday, charged with petty theft in a complaint filed by Chief of Police Frank Knuckey.

He was charged with the theft of two wrist watches in the Ben Franklin Store during the Christmas holidays. The youth was certified to the juvenile court.

BULLETIN

NEVADA CITY: In all probability, Joseph L. Hardy, Jr., charged with the murder of James W. McLain, near Hirschdale, Nevada County, last July, will know his fate sometime this afternoon.

Attorneys for defense and prosecution yesterday afternoon concluded their arguments to the jury. Judge James Snell stated it would require approximately an hour and a quarter to read the jury his instructions. He deferred the reading until 10 o'clock this morning.

Frank G. Finnegan, addressing the jury yesterday following the opening arguments of District Attorney Vernon Stoll, declared:

"The district attorney in his talk to you did not say that this case has resulted in the widest publicity and has aroused the people of the the state. He has asked for the severest penalty that is meted out under the law. I think an examination of the records of states that have barred capital punishment with those that still permit the punishment of death would probably show no difference in incidence of crime.

"Just a year or two age, boys like Joe Hardy here were taken into the army and trained to kill! KILL! KILL! War cheapened life. It was all right for a man in ambush to shoot down 100 other men because their uniform was different from his. We were taught how to kill a man with our bare hands.

"I don't know what influences guided Hardy in making his statements. He could have taken the stand and placed the blame on Lois Hardy. He did not choose to do so."

Finnegan then read that part of Hardy's statement in which he says: "Lois suddenly made up her mind to unburden her heart." he statement ends with: "We have talked with God, and are not afraid of the consequences."

The defense attorney concluded his argument in half an hour. District Attorney Vernon Stoll then concluded. He said: "I do not expect you to base your verdict on passion or prejudice. By his failure to take the stand the defendant leaves all the testimony the prosecution has submitted uncontradicted. I think it can be said therefore that his guilt has been proved beyond a reasonable doubt and to a moral certainty.

Lois Hardy, wife of Joseph Hardy, was sentenced on January 2nd to death in the gas chamber. She is at present in the Tehachapi Institution for Women, awaiting the outcome of her appeal in the state supreme court.

The courtroom was crowded all day yesterday with spectators. Hardy, wearing a blue suit, was apparently somewhat downcast by the arguments of the two attorneys. He kept his gaze for the most part riveted on the table in front of him. When his attorney concluded his address Hardy flashed him a brief smile.

DAMAGING CONFESSIONS READ AS EVIDENCE IN HARDY TRIAL

NEVADA CITY: The prosecution rested its case against Joseph L. Hardy, Jr., charged with the murder of James W. McLain, Burbank elevator operator, last July 30th. Friday afternoon at 3:35 o'clock.

Judge James Snell dismissed the jury until 10 o'clock Monday morning. Frank G. Finnegan, attorney appointed by the court to defend Hardy, made a number of motions.

First he asked that all evidence given by the criminologist, David Burd, be stricken from the record, since the prosecution had failed to connect the .32 calibre automatic pistol in any way with the defendant. The court ordered this be done. Next Finnegan asked that all evidence pertaining to the pistol offered for identification be stricken from the record, together with pertaining to the empty cartridges found on the scene scene of the murder by Sheriff W. Hoskins.

This would involve testimony given by Sheriff Hoskins, Deputy Sheriffs W. E. Leypoldt and A. H. Kennedy of Las Vegas, and any other references in the testimony of other witnesses to the pistol and cartridge shells.

District Attorney Vernon Stoll objected to the motion on the ground that there was some testimony given, indicating that Hardy did use a .32 calibre pistol for the killing, as he did not wish expunged from the record and submit them for approval to Finnegan and the court Monday morning.

Finnegan then moved that the confession brought by the sheriff from the Las Vegas jail, along with Lois and Joseph Hardy, be stricken from the record because the signers were promised assistance by Leypoldt. This was denied. The defense attorney then moved that the confession contained in biography of Hardy, written in his own hand sometime in October, be stricken, since, he claimed it had not been shown to have been freely made without coersion, intimidation or promise of award. The court disagreed with this contention and ordered the statement to remain in the record.

Finnegan's last motion was that the court make a directed verdict. This was denied.

The statement signed by Joseph and Lois Hardy, read Friday, eliminating most of the biographical matter which it contained, reads:

"We stopped and were offered a ride to Reno (from outside Salt Lake City). The driver of the car offered us food and shelter at Sparks, Nevada. He asked me to drive, which I did. Then the trouble began. He became extremely rude and forward with my fiance, and once I stopped and demanded an explanation, but he only laughed and called it a joke. He did not annoy Lois again until we reached our cabin at Sparks, and upon my return he was in the shower and Lois was crying. She said he had tried to force himself upon her and only by great effort was she able to resist his advances. I was greatly perturbed and loaded my gun, which hitherto had been empty. I fully planned to kill him at once, but Lois talked me out of it.

"I finally gave ni and the evening and night passed uneventfully. In the morning we had breakfast in Reno and then started out on a trip to the mountains in California. I was still determined to exact revenge for his treatment of my wife-to-be. We stopped at one state park, but it was very public and open, I once more delayed my action. Lois used her feminine charm to get him to accompany us to a more desolate location and upon promise of her body got him to go into the woods.

"He tried to get rid of me again by sending me off after liquor, but I refused and followed them. They, Lois and he, seated themselves on a blanket and he began kising her.

"This renewed my anger and I moved the gun from my pocket and prepared to shoot him. I became very nervous and decided to gun whip him instead, but when Lois said she would if I wouldn't, I regained my composure and when she maneuvered him into the right position, completed my dastardly work.

"I was very nervous and shaky after this, so, after removing his personal items, we went into a bar and had several drinks.

"During the weekly revival services at jail in Las Vegas, Lois suddenly decided to unburden her heart, and requested to talk with Rev. Willoughby. I was called and, at her request, consented to relate the details of our terrible deed.

"We are writing this from the cells of the Nevada County jail. We do not desire or expect any sympathy in any form. We fully realize the seriousness of our offense and stand prepared to pay for it in any way the state of California may direct.

"We wish to impress upon the public the seriousness of neglecting their children. A young child needs strong, stable and instructive supervision. People who think they can save a few dollars by letting their youngsters fend for themselves are only putting themselves open to heartbreaks and sorrow later on. I feel sure that all the money in the world could not atone for the disgrace and shame our families are now enduring.

"Lois and I are not afraid of the consequences. We are ready to meet our Lord because we know He has forgiven us and is ready to welcome us into His domain. Our aim in relating this is to impress on all people, young and old that child neglect is a crime just as much as going out and breaking the law.

"As for us ,we have talked with God and have accepted Him as our Savior. We are ready to meet Him. God forgive us."

(Signed) Joseph Hardy
Lois Hardy

Tuesday afternoon, heard three witnesses, William Gauche, highway patrolman stationed at Truckee, who discovered the body a half mile from the highway near Hirschdale, Constable N. F. Dolley, who was with the party searching for the body, and Dr. J. H. Belnard, who examined the wounds of the dead man.

Gauche testified that on August 3rd, he received a short wave radio message from Sacramento to go to Hirschdale to search for the body. With a party of five other officers, he proceeded up the road, in his patrol car, that leads to the north of the highway a few hundred feet east of Hirschdale. About 50 feet off the road, he found the body. It was wrapped in a red plaid blanket. A blue cushion, such as used in baby cradles, was found about nine feet from the body. He noted that the head of the murdered man was punctured by three bullets each of which had passed through it and out the other side. One in front of the left temple had passed out at almost the identical place in front of the right temple. Two bullets fied into the back of the head had emerged in front of the head.

Constable Dolley corroborated the story told by Gauche and added that he was with Sheriff Richard W. Hoskins three days later when Hoskins picked up a stone that showed blood and hair sticking to it. Hoskins also found a bloody handkerchief at the scene.

Dr. J. H. Bernard stated he had examined the body after it had been removed to the funeral home in Truckee. He described the three bullet wounds and found abrasions on the skin of the head and left face of the dead man. He stated the dead man weighed approximately 200 pounds, was a white male, well developed, had about 5 feet 10½ inches tall. He stated that three photographs shown him of James W. McLain were "probably" those of the dead man. He refused to make a positive identification.

Gauche and Dolley readily identified the photographs of McLain as those of the dead man.

Dr. Bernard declared that any one of the shots fired into McLain's head would have killed him. Asked regarding the pulse the doctor said that even after unconsciousness caused by a bullet, the heart might continue beating but probably not for more than two or three minutes.

Hardy had reverted to his army sun-tans, shirt and trousers, in his appearance Tuesday before the jury, despite the fact his record shows he was dishonorably discharged. The dark blue suit he wore at the trial's opening Monday today hung in his cell.

His wife, Lois Hunt Hardy, was sentenced January 2nd to death in the gas chamber. She is now in the Institution for Women at Tehachapi waiting Supreme Court action on her appeal.

Photographs, in fact, all exhibits in the case that were used in the trial of Lois Hunt Hardy are being shown in the trial of Joseph Hardy.

Wednesday Session

The confession made by Joseph and Lois Hardy, and ruled out during the trial of Lois, was in court Wednesday with the jury dismissed.

This morning court convenes at 9 o'clock to hear attorneys muster an array of authorities, dealing principally with whether a confession obtained by promises of assistance or award, could be admitted in evidence.

The question arose Wednesday afternoon in the trial of Joseph Hardy charged with the murder of James W. McLain on July 31st near Hirschdale, Nevada County, when W. E. Leypoldt, deputy sheriff of Las Vegas, Nevada. was under cross examination by Frank G. Finnegan.

Finnegan asked the witness: "Did you tell Lois or Joe or both of them that you felt sorry for them when you were called into the jailers office in the county jail in Las Vegas by Rev. Craig Willoughby to hear their statement?"

Leypoldt responded: "No I don't think so."

Finnegan fired another question: "Did you tell Joe or Lois or both of them it would help them to tell the truth?"

Leypoldt replied: "Yes I think I did, in fact I'm quite sure I did."

Finnegan tried with a third question: "Did you tell them that

(Please Turn to Page 5)

Nevada City Grass Valley NUGGET

305 Broad Street, Nevada City, Telephone 36

A legal newspaper, as defined by statute. Printed and published
A legal newspaper, as defined by statute.

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SUBSCRIPTION RATES

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LONG IS MASTER OF LOCAL MASONS

NEVADA CITY: Irving Long was installed as worshipful master of Nevada City Lodge F. and AMM. following a recent banquet to succeed John Sbaffi.

Raymond V. Worthley, past master, was master of ceremonies. Mrs. Louise Martin was chairman of the Order of Eastern Star, which provided the banquet.

RUNAWAY GALS

NEVADA CITY: Two girls, Shirley Haddy, 16, and Loretta Gilham, 14, missing since Saturday evening, January 17th, were found in San Francisco Saturday, January 24th, by the police.

Notified of the apprehension, Probation Officer Thomas Barrett wired: "Hold for release to their parents. No prior records." Their parents returned with the two runaways yesterday.

Miss June Notterman Wed To David Tobiassen In Carson City

NEVADA CITY: Another surprise wedding announcement was made yesterday when it became known that Miss June Notterman and David Tobiassen were married December 7th in Carson City, Nevada.

The bride is the daughter of Mr. and Mrs. Frank Notterman and the bridegroom is the son of Mr. and Mrs. Carl Tobiassen of this city.

Both graduated from the Nevada City High School. Since graduation the bride has been attending the Placer Junior College. The bridegroom is employed by the Nevada Irrigation District. The couple are making their home in this city.

LEGAL NOTICE

No. 8713

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF NEVADA

JACK CUFFMAN, THOMAS GAU and RAYMOND BROWN, Plaintiffs, vs. FRED MANLY, Defendant.

Action brought in the Superior Court of the State of California in and for the County of Nevada, and the Complaint filed in the office of Clerk of said County of Nevada.

The People of the State of California send greetings to FRED MANLY, Defendant.

You are hereby directed to appear, and answer the complaint in an action entitled as above, brought against you in the Superior Court of the State of California in and for the County of Nevada within ten days after the service on you of this summons —if served within this county; or within thirty days if served elsewhere.

And you are hereby notified that unless you appear and answer as above required, the said Plaintiff will take judgment for any money or damages demanded in the Complaint, as arising upon contract, or they will apply to the Court for any other relief demanded in the Complaint.

Given under my hand and seal of the Superior Court of the State of California in and for the County of Nevada, this 3rd day of February A. D., 1947.

(SEAL)

R. N. McCORMACK, Clerk.
By R. E. DEEBLE, Deputy Clerk
W. E. Wright, Attorney for Plaintiffs.

Dec. 2, 9, 16, 23, 30, 1947; Jan. 6, 13, 20, 27, 1948.

Soroptomists Hear Address

NEVADA CITY: The Nevada City Soroptomists Club met Wednesday night, January 14th, at dinner in the National Hotel and heard an address by Mrs. Robert Steuber, one of the committee on the March of Dimes. Reservations will be made for the entire membership.

RAINBOW INITIATION

NEVADA CITY: Mrs. Iola Schadt, subdeputy of Yuba City, made her official visit to Nevada City's Rainbow Girls Tuesday evening, January 13th. Five girls were initiated into the order before a large number of Masons and members of the Order of Eastern Star.

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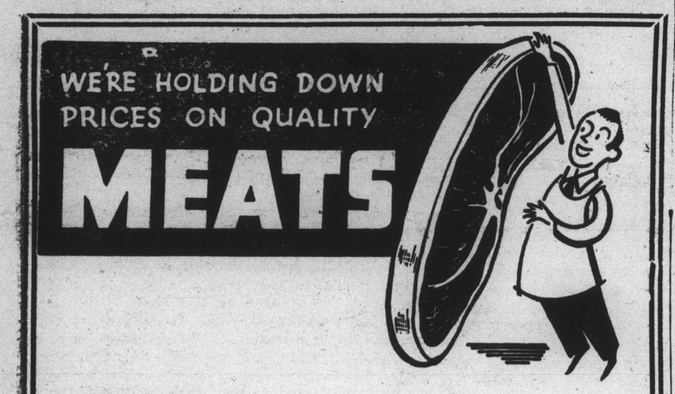

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From where I sit ... *by* Joe Marsh

From Sheepskin to Sheep

There aren't too many college graduates in our town. Good honest thinking, yes... but most folks went from high school into farming.

No harm in that! But I admire veterans like Dick Newcomb... who's 23, but going to college under the G.I. Bill of Rights. Intends to be a sheep farmer—but a better-informed, more scientific farmer, with more know-how!

And veterans like Dick aren't letting anything interfere. What little relaxation they allow themselves is in the form of needed exercise, or books, or conversation and an occasional glass of beer with friends.

Seems as if, just by having their education postponed, they've put a higher value on it... and on things like temperance (that glass of beer, for instance), understanding, and good citizenship. And from where I sit, when Dick gets his sheepskin—he won't have lost much time. He'll be an even better farmer than his Dad. (Exactly what Dad wanted!)

Joe Marsh

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L. W. LOBDELL FUNERAL WAS MONDAY

NEVADA CITY: L. W. Lobdell, who died early Friday morning at his home, 341 Clay Street, was borne to rest in Sierra View Cemetery, Monday morning at 11 o'clock following services in thte Holmes Funeral Home here. Rev. Russell Lincoln, pastor of the Methodist Church and Nevada Lodge, F. and A. M. conducted the service.

The deceased was born in Grand Rapids, Michigan, 66 years ago. He had lived 30 years in Nevada County, operating a trucking business, first with horses, and next with motors. He was a member of the Elks and a past master of local masonic lodge.

He leaves his wife, Mrs. Hattie Lobdell, and brother Fred Lobdell of Sarancen, Michigan.

California was exceeded by only three other states in income from poultry production in 1946.

The Civic Auditorium in San Francisco has the distinction of operating since 1932 without a deficit.

California had an estimated need of 41,624 beds in general hospitals in 1946, with only 27,525 such beds available.

NO PERMANENT BUILDINGS FOR WATT PARK IN '48

GRASS VALLEY: George Miller, district auditor of the Division of Fairs, department of finance, meeting with the members of the 17th District Agricultural Board, informed the group that the ban against state financed construction of fair buildings is still effective.

He said that no permanent buildings on the Watt Park fair grounds could be assured this year, but indicated that other improvements such as fencing, installation of services and preparation for this Summer's fair might be undertaken.

Miller reminder the board that all county fair associations are required to present a master plan for development. He said about 80 per cent of master planning in other counties of the state has been completed.

Members of the board declared they are anxious to complete their plan, but that there is still one major piece of land they wish to purchase before doing so.

BIRTH

PORTER—In Nevada City, Nevada County, January 11, 1948, to Mr. and Mrs. Cedric S. Porter, a daughter.

CHILDREN NOT GOING TO SUNDAY SCHOOL

NEVADA CITY: Mrs. Isabel Hefelfinger, school nurse, addressing a recent meeting of the Nevada City Elementary Parent Teachers Association, said that, following an investigation, there are approximately 800 children in schools, including Gold Flat and the high schools. Of these but 200 are enrolled in Sunday Schools of the eight churches of the city.

Other organizations found to be neglected by the children are the Cub Scouts which have but 35 members, the Brownies with 50, the Girl Scouts with 80, and Boy Scouts with 45 members.

Lloyd Geist, principal of the elementary School, reported on the crowded condition of class rooms. He declared, "We need two class rooms for every one we had in 1940. Some of our teachers are trying to teach 45 and 47 pupils in one room. It just can't be done."

LEGAL NOTICE

NOTICE OF INTENDED SALE

NOTICE IS HEREBY GIVEN that Don Daniels, whose address is Nevada City, California, on the 31st day of January ,1948, intends to sell, transfer, assign and deliver to Robert M. Elking and Russell G. Schumaker, the records, equipment, stock in trade, partitions and goodwill of that certain music store business located at 117 Broad Street, Nevada City, California, known as the "Music Center", together with the lease on said property.

That said property is to be sold and the consideration is to be paid on the 31st day of January, 1948, at the office of Frank G. Finnegan, Esq., 232 Broad Street, Nevada City, California .

That the said Robert M. Elking and Russell G. Schumaker intend to purchase and receive delivery of all the above-described personal property. That said sale will be consummated and said consideration paid at ten o'clock of the day and place above-mentioned.

DATED: January 22, 1948.
DON DANIELS.

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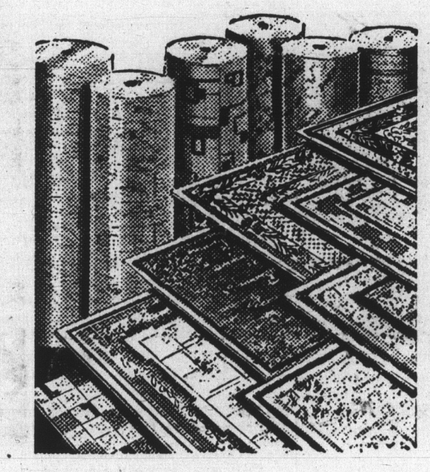

RUGS
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9X10 1/2 – 9X12
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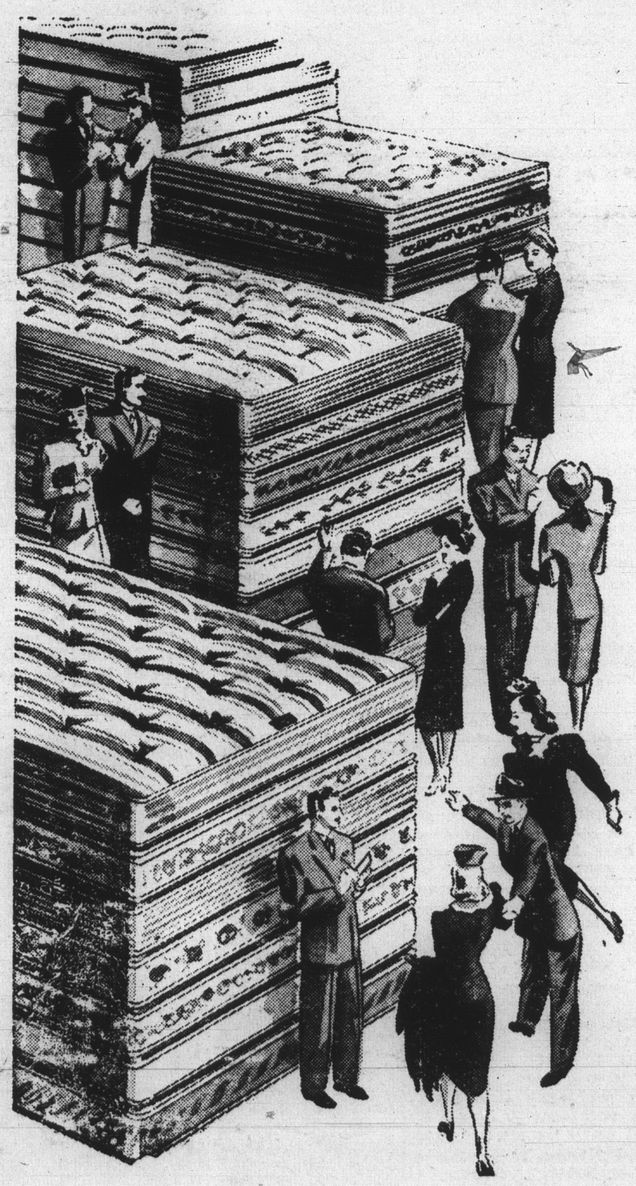
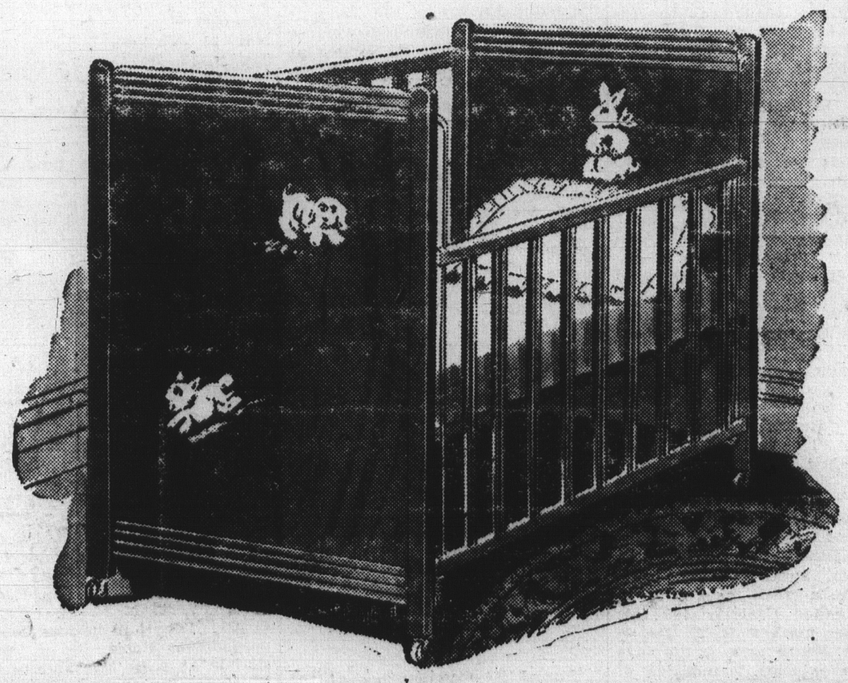


MATTRESSES
15.00 AND UP
BOX SPRINGS
39.50 AND UP



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102-W-148

LEGAL NOTICE

NOTICE OF TRUSTEE'S SALE

WHEREAS, default has been made in the payment of the indebtedness secured by, and in the performance of the covenants contained in, that certain Deed of Trust dated December 16, 1941, made, executed and delivered by HOGE DEVELOPMENT COMPANY, a Delaware corporation, GREAT NORTHERN GOLD MINES, INC., a Delaware corporation, ARTHUR W. HOGE and LIZZIE M. HOGE, his wife, as Trustor, to FRANK G. FINNEGAN, as Trustee, for EMPIRE STAR MINES CMPANY, LIMITED, a Delaware corporation, Beneficiary, which Deed of Trust was recorded in the office of the County Recorder of Nevada County, State of California, on January 10, 1942, in Book 76 of Official Records, at page 144, et seq., Nevada County Records; and

WHEREAS, the lawful owner and holder of said Deed of Trust and the debt thereby secured has applied to and directed the Trustee under said Deed of Trust in writing to execute the trust by said Deed of Trust created, and to make sale pursuant thereto; and

WHEREAS, Notice of Default in the performance of the obligations of the Trustors has been recorded as is provided for by law and said Trustee deems it best to sell said premises and estate as a whole now remaining subject to said Deed of Trust in order to fulfill the purposes thereof:

NOW, THEREFORE, NOTICE IS HEREBY GIVEN, that on Thursday, the 29th day of January, 1948, at the hour of 10:00 o'clock A. M. thereof, at the front door of the Nevada County Court house, situated in the City of Nevada, County of Nevada, State of California, the said FRANK G. FINNEGAN, as Trustee, will, under and pursuant to the aforesaid Deed of Trust, sell at public auction to the highest bidder for cash in lawful money of the United States, the folowing described real property, mentioned in said Deed of Trust, situate in the County of Nevada, State of California, and more particularly described as follows, to wit:

Parcel A: Mineral Survey No. 5481 of Sections 4 and 9, of Township 16 North, Range 9 East, M. D. B. & M., containing 35.816 acres, more or less, as the same is set forth in the Patent dated May 4th, 1922, and recorded May 17th, 1922, in Book "6" of Patents, at pages 121 et seq., records of Nevada County, California, from the United States to Pasquale Isolta. Excepting and Reserving the surface of said property to a depth of 50 feet.

Parcel B: All and singular that certain mining property known as the Harmony Mine situated in Nevada Township, County of Nevada, State of California, and particularly described as follows, to wit:

Lot 39 in Section 32, Township 17 North, Range 9 East, M. D. B. & M., and Lot 41 in Section 5, Township 16 North, Range 9 East, M. D. B. & M., particularly described as follows, to wit:

Beginning at the quarter section stake, on the North boundary of Section 5, in Township 16 North, of Range 9 East, Mount Diablo Meridian; thence South nineteen (19) chains and 58 links to a stake marked "H. M. No. 1"; thence East 40 chains to a stake, marked "H. M. 2"; thence North 19 chains and 69 links to section corner common to Sections 4 and 5 in Township 16 North of Range 9 East, and Section 32 and 33 in Township 17 North of Range 9 East, Mount Diablo Meridian; thence North 25 chains along the section line common to Sections 32 and 33 in Township 17 North, Range 9 East, Mount Diablo Meridian, to stake marked "H. M. 3"; thence West 20 chains to a stake marked "H. M. 4"; thence South 5 chains to stake marked "H. M. 5"; thence West 5 chains to a stake marked "H. M. 6"; thence South 20 chains to a stake marked "H. M. 7" on the North boundary line of Township 16 North, Range 9 East, Mount Diablo Meridian; thence West 15 chains to the place of beginning containing one hundred and thirty-eight (138) acres, and fifty-three hundredths (53-100) of an acre of land, more or less.

Also the South half of the Northeast quarter of Section 5, in Township 16 North, Range 9 East, Mt. Diablo Base and Meridian.

Except the surface rights of forty-two and one-half (42½) acres to a depth of 50 feet on the whole thereof, except that the surface rights within a radius of 100 feet of the dwelling house thereon shall be 100 feet in depth, heretofore deeded by the first parties to Mary Mastai, which deed is dated September 15, 1920, and recorded in Book 131 of Deeds, at page 106, thereof, County Records of the County of Nevada, State of California.

Also excepting therefrom all that portion thereof lying North of a line described as beginning at a point on the easterly line of Sec. 32, T 17 N., R 9 E., M. D. B. & M., which point is 7 chains North of the corner common to Secs. 4-5-32 & 33, said Township and Range, and running thence West 25 chains to a point.

Parcel C: Beginning at a stake on the South side of the Michael Lynch field (so called) on the Easterly side of Section 32, T 17 N., R 9 E., M. D. B. & M., and 7 chains North of the corner common to Sections 4, 5, 32 and 33, thence running due West 25 chains; thence due North 13 chains; thence East 5 chains; thence North 5 chains; thence East 20 chains; thence South 18 chains to the place of beginning, and containing 42½ acres, more or less, and comprising all that portion of the Harmony Placer Mine, situate North of a line running due West from said above first mentioned stake.

Excepting and Reserving, however, from the above described property all of that portion heretofore conveyed by Mary Mastai, grantor of said lessor to Joseph Silva in 1919 and consisting of approximately 24 acres, more or less.

Parcel D: Montana Quartz Lode Mining Claim, patented, designated by the Surveyor General as Lot No. 85, embracing a portion of Section 4, Township 16 North, Range 9 East, M. D. B. & M., particularly described as follows:

Beginning at West corner of claim, a post marked M. Q. M. No. 1, in rock mound from which a cedar tree 10 inches in diameter bears South 59° 30' West 31 links distant, and post E. 5 of Lot No. 60, the Evergreen Quartz Mine, bears North 1° 10' West 15 chains and 21 links distant, thence, first course, North 46° 30' East 53 links intersect East boundary line of the SW¼ of the SW¼ of Section 4, in Township 16 North of Range 9 East, Mount Diablo Meridian, 800 feet to North corner of claim; thence, second course, South 43° 30' East 100 feet to a point from which an old shaft bears South 46° 30' West 300 feet distant, 200 feet to East corner of claim, a post marked M. Q. M. No. 4, in stone mound from which a pine tree 6 inches in diameter bears South 53° West 32 links distant; the Northeast corner of Lot No. 58, the Deadwood Quartz Mine, bears South 13° 58' East 15 chains and 54 links distant, and the South quarter corner of said Section 4, bears South 38° 37' East 15 chains and 51 links distant; thence, third course, South 46° 30' West 800 feet to South corner of claim; thence fourth course, North 43° 30' West 2 chains and 43 links intersect East boundary line of the Southwest quarter of the Southwest quarter of said Section 4, 200 feet to the West corner of the claim the place of beginning.

Expressly excepting and excluding all that portion of the ground hereinbefore described, embraced in said Southwest quarter of Southwest quarter of Section 4, and also all that portion of said Montana Quartz vein or lode and of all veins, lodes and ledges throughout their entire depth the tops or apexes of which lie inside of such excluded ground; said Lot No. 85 extending 800 feet in length along said Montana Quartz vein or lode; the granted premises in said lot containing three acres and sixty-five hundredths of an acre of land, more or less.

Parcel E: Commencing at Northwest corner of Montana Quartz Mining Claim (Patented) at stake marked "N. M. No. 1"; thence N 27½° W at 250 feet stake N. M. No. 2, on lode; 475 feet to stake marked N. M. No. 3; thence N 45¾° E 606 feet to a stake marked N. M. No. 4; thence N 89° 20' E 400 feet to a stake marked N .M. No. 5; thence S 27½° E at 50 feet stake N. M. No. 6, on lode line, 350 feet to a stake marked N. M. No. 7, on West line of Willow Valley Quartz Mine; thence S 54½° W 134 feet to a stake marked N. M. No. 8; thence N 43½° W 125 feet to a stake marked N. M. No. 9, at N. E. Corner of Montana Quartz Mine (patented); thence S 46½° W 800 feet to place of beginning, being situate in Section 4, Tp 16 N. R 9 E., M. D. M., Willow Valley Mining District, Nevada County, California.

Parcel F: Lot 12 of the SW¼ of Section 4, Township 16 North, Range 9 East, M. D. B. & M., Excepting and Reserving the surface to a depth of 50 feet; and further Exepting Therefrom:

(A) That certain parcel of land as conveyed by the deed dated July 16, 1892, recorded July 19, 1892, in Book 78 of Deeds, at page 666, executed by Augustin Cordia to C. B. Ebaugh, Jesse J. Lyons, and Elisha Havens, Trustees of the Willow Valley School District, described as follows:

Commencing on South side of Nevada City and Washington Road at N. W. Cor. of Hussey premises, thence running Easterly 216 feet to corner of School house lot; thence Westerly 135 feet to cor. of School house fence; thence Northerly 211 feet to South side of said road; thence Northeasterly 136 feet to place of beginning.

(B) That certain parcel of land as conveyed by the deed dated July 23, 1892, recorded August 2, 1892, in Book 78 of Deeds, at page 696, executed by Augustin Cordia to J. M. Hussey, described as follows:

All that portion of Lot No. 12 of Southwest quarter of Section 4, Township 16 North of Range 9 East, Mount Diablo Meridian, commencing at N. E. Cor. of Willow Valley School house lot fence; thence running Northeatserly along south side of Washington road to East line of said Lot 12, thence south along said line to fence on bank of China or Wilson ditch, being fence dividing premises of Joseph Kitts and Michael Hussey, thence Northwesterly along line of said fence to lane running to house of S. S. Lucey, thence Northwesterly along line of Hussey's fence to southwest corner of School house. lot fence, thence Northeasterly to southeast corner of School house lot fence, thence Northwesterly along line of School house lot fence to Washington road or place of beginning.

(C) That certain parcel of land as conveyed by the deed dated July 19, 1892, recorded August 3, 1892, in Book 78 of Deeds, at page 699, executed by Augustin Cordia to V. E. Austin, described as follows:

All that portion of Lot 12 of the SW¼ of Sec. 4 in Township 16 N. of R. 9 E., M. D. M., described as follows:

Commencing at S. E. Cor. of said Lot 12; thence running North to fence dividing premises of Joseph Kitts and Michael Hussey, thence Northwesterly along line of said fence to lane running to house of S. S. Lucey, thence continuing Northwesterly along line of Husseys fence to School house fence; thence along line of School house fence to Washington road; thence southwesterly along southerly side of said road to south line of said Lot No. 12, thence easterly along said line to place of beginning.

Parcel G: The Colfax Quartz Mining Claim, described as follows:

Commencing at stake No. 1 and running Northerly 350 feet to stake marked No. 2, thence 176 feet to oak tree about 20 inches in diameter, thence Westerly 224 feet to stake marked No. 3, thence 750 feet to stake marked No. 4, thence 300 feet to stake marked No. 5 on lode line in Mosquito Creek, thence 300 feet easterly to stake marked No. 6, thence 750 feet Northerly to stake marked No. 7, thence 300 feet westerly to stake No. 2 lode line or place of commencing.

Excepting Therefrom any portion thereof which may lie within the exterior boundaries of Lot 12 of SW¼ of Sec. 4 Tp 16 N., R 9 E., M. D. M.

Parcel H: The South half of the South half of the Southeast quarter of the Northwest quarter; the West half of the Northeast quarter of the Southwest quarter; the Northeast quarter of the Northeast quarter of the Southwest quarter; the North half of the Northwest quarter of the Southwest quarter; the East half of the West half of the Southwest quarter of the Northwest quarter and the East half of the Southwest quarter of the Northwest quarter of Section Four (4), in Township Sixteen (16) North, of Range 9 East, Mount Diablo Meridian, containing Ninety (90) acres of land, more or less;

Excepting Therefrom: (a) That certain parcel of land as conveyed by the deed dated June 1, 1886, recorded June 2, 1886, in Book 67 of Deeds, at pages 406 et seq., executed by Elizabeth Jones and G. W. Jones, to Michael Hussey and John Hussey, described as follows:

Commencing at the Northwest corner at stake set at the head of the old "Beaver Incline" shaft from which a pine tree 6 inches diameter bears N 37° E 26 links distant; thence (Magnetic variation 18° E) N 59¼° E 10.18 chains to a stake; thence S 30¾° E. 2.89 chains to a stake set on South boundary of the NE¼ of NE¼ of SW¼ of Section 4, T. 16 N., R 9 E., M. D. M., thence West 5.41 chains to stake being Southwest corner of NE¼ of NE¼ of SW¼ of said Section 4; thence South 4.69 chains to stake set beside fence, fence marked thus "A"; thence S 59¼° W3.08 chains to stake set in center of Mosquito Creek from which a pine tree 4 inches diameter bears N 59¼° E 37 links distant, thence N 30¾° W 4.16 chains to the place of beginning, containing an area of Two and Fifty hundreths (2 50-100) acres.

(b) A right of way and incidents connected therewith, as conveyed by the deed dated October 28, 1918, recorded November 6, 1918, in Book 128 of Deeds, at page 184, executed by A. W. Hoge and Lizzie M. Hoge, his wife, to Guiseppe Pisani, described as follows:

"A permanent right of way for use as a wagon road, to extend from the said property of said second party over and across the property of said first parties to the said Washington Road."

Parcel I: Lone Star Quartz Lode Mining Claim, designated by the Surveyor General, as Lot 87, embracing a portion of Section 4, Township 16 North, Range 9 East, Mount Diablo Base and Meridian.

Excepting therefrom the right to occupy and cultivate the surface of the portion of said land lying south of the County Road, running from Nevada City to Washington and passing through said land, as reserved in the deed dated August 23, 1907, recorded August 30, 1907, in Book 107 of Deeds, at page 164, executed by Mrs. Lucy A. Noyes and others to Harry B. Gray.

Parcel J: All that portion of the Cold Spring Blue Gravel Mining Claim, embracing the following:

The SW¼ of SE¼ of Section 33, Township 17 North, Range 9 East, M. D. B. & M;

N½ of NW¼; N½ of SE¼ of NW¼; N½ of S½ of SE¼ of NW¼; W½ ofW½ of SW¼ of NW¼; NW¼ of NE¼; W½ of SW¼ of NE¼; W½ of E½ of SW¼ of NE¼ of Section 4, Township 16 North, Range 9 East, M. D. B. & M.

E½ of SE¼ of NE¼ of Section 5. Township 16 North, Range 9 East, M. D. B. & M.

Excepting Therefrom the following:

Beginning at the N.W. Corner of the SW¼ of the SE¼ of Sec. 33, in Township 17 North Range 9 East, M. D. B. & M., and running thence East along North line of said SW¼ of SE¼, 11½ chs. to a post; thence S. 24½° W14½ chains to a post on west bank of a ravine, 1 chain southerly from a large spruce tree; thence N 88° W 15 chains to a cedar tree blazed; thence N 4¼° E. 14½ chains to a post, thence East 7½ chains to place of beginning, containing 23¾ acres; as conveyed by the deed dated June 16, 1879, recorded June 16, 1879, in Book 56 of Deeds, at page 264, executed by The Cold Spring Gravel Mining Company, a California corporation to Andrew Moretti.

Parcel K: All that portion of the Cold Spring Blue Gravel Mining Claim, embracing the following:

The Southwest quarter of Section 33, Township 17 North, Range 9 East, Mount Diablo Base and Meridian;

Excepting Therefrom the following: Beginning at a point in an old road, which is North of and 6½ chains distant from the section corner common to Sections 4 and 5, on the North boundary of Tp. 16 N. R 9 E., M. D. B. & M., running thence South 63½° East 4 chains; thence North 69¼° East 22½ chains; thence South 73° East 8 chains; thence North 4 chains; thence North 73° West 8 chains; thence North 2 chains; thence south 80° West 25 chains; thence South 8 chains to the place of beginning, and containing 23 1/3 acres of land.

That portion of the SW¼ of Sec. 33, Tp. 17 North of Range 9 East, M. D. M., beginning at the N. E. corner of land heretofore described; thence magnetic variation 18° East, N 73° W. 528 feet; thence North 132 feet; thence North 86° W 146 feet; thence along a fence N. 35¼° E 152 feet; thence North 60½° E 328 feet to corner of fence; thence S 85° E. 314 feet to corner of fence; thence S 4¼° West 567 feet to place of beginning, containing 6 acres, more or less, and being adjoining to and under the same enclosure as the land hereinabove described as conveyed by the deed dated May 22, 1889, recorded May 24, 1889, in Book 74 of Deeds, at page 65, executed by The Cold Spring Gravel Mining Company, a corporation, to Mary Guscetti.

Parcel L: (1) All that portion of the SW¼ of Section 33, Township 17 North, Range 9 East, M. D. B. & M., described as follows: Beginning at a point in an old road, which is North of, and 6½ chains distant from the section corner common to Sections 4 and 5, on the North boundary of Tp. 16 N. R 9 E., M. D. B. & M., running thence South 63½° East 4 chains, thence North 69¼° East 22½ chains, thence south 73° East 8 chains; thence North 4 chains; thence North 73° West 8 chains; thence North 2 chains; thence South 80° West 25 chains; thence South 8 chains to the place of beginning, and containing 23 1-3 acres of land, more or less.

(2) All that portion of the SW¼ of Section 33, Township 17 North, Range 9 East, M. D. B. & M. described as follows: Commencing at a point which is located North 6½ chains; thence South 63½° East 4 chains; thence North 69¼° East 22½ chains; thence South 73° East 8 chains; thence North 4 chains from the section corner common to Sections 4 and 5, on the North boundary of Township 16 North, Range 9 East, M. D. M., running thence from said point of commencement, North 73° West 528 feet; thence North 132 feet; thence North 86° West 146 feet; thence along a fence North 35¼° East 152 feet; thence North 60½° East 328 feet to corner of fence; thence South 85° East 314 feet to corner of fence; thence South 4¼° West 567 feet to place of beginning, containing 6 acres, more or less.

Saving and Excepting from Parcels 1 and 2 above, all those portions thereof situate within the exterior boundaries of the parcel of land described as follows:

Beginning at the Northwest corner of the SW¼ of the SE¼ of Sec. 33, in Township 17 North, Range 9 East, M. D. B. & M. and running thence East along North line of said SW¼ of SE¼ 11½ chains to a post; thence South 24½° West 14½ chains to a post on West bank of a ravine, one chain southerly from a large spruce tree; thence North 88° West 15 chains to a cedar tree blazed; thence North 4¼° East 14½ chains to a post; thence East 7½ chains to place of beginning, containing 23¾ acres.

Parcel M: The Buckeye Quartz Lode Mining Claim, designated by the Surveyor General as Lot Ninety-nine, embracing a portion of Section 4, in Township 16 North, of Range 9 East, Mount Diablo Base and Meridian, as described in the patent therefore, dated February 26, 1897, recorded in Book "3" of Patents, at page 614, Nevada County Records.

Parcel N: All minerals and mineral rights of every kind, with the right to mine and extract minerals beneath the surface of the Willow Valley Quartz Lode Mining Claim, designated by the Surveyor General as Lot Seventy-six (76), embracing a portion of Section 4, Township 16 North, Range 9 East, Mount Diablo Base and Meridian, as described in the patent therefore dated January 18, 1890, recorded December 13, 1907, in Book "4" of Patents, at page 375.

Excepting Therefrom the following described parcel of land, situated in Willow Valley Mining District, County of Nevada, State of California, forming a parcel of the Willow Valley Quartz Mine, which parcel is particularly described as follows, to-wit:

Commencing at the Southwest corner of the "Buckeye Quartz Mine" at stake marked "B Q M No. 2", standing N 21° 20' E (mag. var. 16° E.) 22.10 chains from the quarter section stake between Sections 4 and 9, in Tp. 16 N., R 9 E., M. D. B. and M.; thence N. 8° W. 6.67 chs. to post "B Q M & W V Q M"; thence N 62½° E 2.31 chs, to North corner of the Willow Valley Q M post marked "W V Q M No. 4"; thence S 27½° E 9.09 chs. to post at East corner of the Willow Valley Q M marked "W V Q M No. 3"; thence S 62½° W 1.67 chs. to post marked "B Q M & W V Q M"; thence N 73¼° W. 401 chs. to place of beginning, containing 3.02 acres of land, more or less.

Parcel O: That certain parcel of mining land, situated in Willow Valley Mining District, County of Nevada, State of California, forming a parcel of the Willow Valley Quartz Mine, which parcel is particularly described as follows, to wit:

Commencing at the Southwest corner of the "Buckeye Quartz Mine" at a stake marked "B. Q. M. No. 2", standing North 21° 20' East (Mag. Var. 16° E.) 22.10 chains from the quarter section stake between sections 4 and 9, in Tp. 16 N., R 9 E., Mt. Diablo B. & M.; thence North 8° West 6.67 chains to post "B. Q. M. & W. V. Q. M."; thence North 62½° East 2.31 chains to North corner of the Willow Valley Q. M. post marked "W. V. Q. M. No. 4"; thence South 27½° E 9.09 chains to post at East corner of the Willow Valley Q. M., marked "W. V. Q. M. No. 3", thence South 62½° West 1.67 chains to post marked "B. Q. M & W. V. Q. M.", thence North 73¼° West 4.01 chains to place of beginning, containing 3.02 acres of land, more or less.

Parcel P. (1) That certain Quartz Mining Claim located May 10, 1915, by W. G. Motley, and known as the West Buckeye Quartz Mining Claim, the location notice thereof, being recorded in Book 26 of Mining Claims, page 162, records of Nevada County, wherein said mining claim is described as follows:

Commencing at stake W. B. No. 1, being 15 feet North of Discovery shaft and running thence North 89° 30' West 275 feet to stake marked W. B. No. 8; thence South 1023 feet to a stake marked W. B. No. 7; being on the North side line of Willow Valley Claim; thence North 62° 20' East 336 feet to stake marked W. B. No. 6, being the South lode post, 672 feet to stake marked W. B. No. 2, being also B. No. 11 of the Buckeye Qtz. Claim; thence North 17° 26' West 156.7 feet to W. B. No. 3, being also B. No. 12, of the Buckeye Qtz. claim, thence North 7° 26' West 558 feet to W.B. No. 2, from which ¼ corner on East side of Sec. 4, T 16 N., R 9 E., M. D. B. & M., bears east 2162 feet distant; thence North 89° 30' West 200 feet to place of beginning.

(2) That certain Quartz Mining Claim, located November 20, 1915, by W. G. Motley and known as the Bertha Quartz Mining Claim, the location notice thereof being recorded in Book 26 of Mining Claims, page 163, records of Nevada County, wherein said mining claim is described as follows:

Lode Line, commencing at a point immediately contiguous to the discovery point or prospect shaft, where this notice of location is posted, a stake marked B. 1 being also the most Easterly Southeast corner stake of the Doolittle Patent, and extending from said point 369.5 feet south to a stake marked B. 2.

Exterior boundaries, commencing at the North lode stake above described, marked B. 1, and running thence South 89° 57' West 85.8 feet to B. 3, being also the Northeast corner of the Lone Star Pat. thence South 5° 15' East 370.5 feet to stake B. 4; being the southwest corner; thence North 89° 57' East 53 feet to stake B. 2, the South lode post situated on the North side line of the Willow Valley Patent; thence North 62° 30' East 64 feet to stake B. 5, being the southeast corner; thence North 340 feet to B 6, the Northeast corner situated on the West side line of the West Buckeye location, thence South 89° 57' West 55 feet to the place of beginning.

(3) That certain quartz Mining Claim located November 20, 1915, by W. G. Motley and known as the Bertha Extension Quartz Mining Claim, the location notice thereof being recorded in Book 26 of Mining Claims, page 166, Nevada County Records, wherein said mining claim is described as follows:

Commencing at stake No. 1, the southwest corner being also the most Easterly, Southeast corner of the Doolittle P. M., thence North 660 feet to stake No. 2; thence East 27.5 feet to stake No. 3; the North Lode Post; thence East 27.5— to stake No. 4, being also the Northwest corner of the West Buckeye Location; thence South 660 feet to stake No. 5, the Southeast corner; thence West 27.5 feet to stake No. 6, being the South Lode post; thence West 27.5 feet to stake No. 1, the place of beginning. Situated in Sec. 4, T 16 N., R 9 E., M. D. M.

(4) That certain quartz Mining claim located January 9, 1902, by T. B. Gray, C. R. Gray and H. B. Gray, known as Buckeye Extension Quartz Mining Claim, the location notice thereof, being recorded in Book 18 of Mining claims, at page 409, Nevada County Records, wherein said mining claim is described as follows:

The Buckeye Extension Quartz Mining Claim, and extending from the South lode line of the Buckeye Mining Claim marked B. E. No. 1, 800 feet South to stake marked B. E. No. 2; thence Easterly 200 feet to a stake marked B. E. No. 3; thence Northerly 800 feet to a stake marked B. E. No. 6; thence Westerly 600—, to a stake marked B. E. No. 5; thence Southerly 800 feet to a stake marked B. E. No. 4; thence Easterly 400 feet to a stake marked B. E. No. 2, being the South end of the lode line. The exterior boundaries of this claim being distinctly marked by reference to some natural objects or permanent monuments, and more particularly described as follows, to wit:

Said claim adjoins the South end of the Buckeye Mine patented claim and lies west of Wicher's ground and North of Ebaugh's homestead claim. This notice is on a large spruce tree about 5 feet East from the initial stake marked B. E. No. 1, and discovery shaft is on the lode line 550 feet south of this notice marked by a stake marked B. E. D. upon which is a notice reading discovery notice is on a large spruce tree 550 feet North of this stake.

(5) That certain Placer Mining Claim located October 17, 1903, by Buckeye Mining Company, known as Buckeye Placer Mining Claim, the location notice thereof being recorded in Book 19 of Mining Claims, page 397, Nevada County Records, wherein said mining claim is described as follows:

The tract known as Lot No. 7 in the Northwest quarter of the Southeast quarter of Section 4, in Township 16 North, Range 9 East, of Mount Diablo Meridian, and more particularly described as follows:

Bounded on the North by the Cold Spring Blue Gravel Placer patented ground, on the East by the Buckeye Quartz patented ground, on the South by the Willow Valley Quartz patented ground and on the West by the Lone Star Quartz patented ground, and the Doolittle Placer patented ground. Said tract comprising 13 acres, more or less, situated in Willow Valley Mining District, County of Nevada, State of California.

Parcel Q: That certain patented Placer Mining Claim known as Last Chance and Hardscrabble Placer Mining Claim, described as the North half of the Northeast quarter of the Southeast quarter, the North half of the South half of the Northeast quarter of the Southeast quarter the North half of the Northwest quarter of the Southeast quartetr, and the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 32, Township 17 North, Range 9 East, Mt. Diablo Base and Meridian.

Parcel R: (1) That certain quartz mining claim known as Ducknest Quartz Claim, located November 11, 1919, by Arthur W. Hoge location notice thereof, being recorded in Book 27 of Mining Claims at page 265, wherein said claim is described as follows:

Commencing at D No. 1 being the east lode stake of the Ducknest Quartz Claim, from which the southeast corner of the Goosenest quartz mine patent lot 86, bears North 2° 37' West 110 feet distant; thence from D No. 1, North 2° 37' West 110 feet to D. No. 3, being also the southeast corner of the Goosenest Quartz Mine, thence South 86° 42' West 953.7 feet to D No. 4, being also the southwest corner of the Goosenest Q. M., thence West 351 feet to D. No. 5; thence South 2° 37' East 78 feet to D No. 2, being the west lode stake of the Ducknest Q. M.; thence South 2° 37' East 100 feet to D. No. 6; thence North 89° 03' East 1303 feet to D No. 7; thence North 2° 37' West 100 feet to the place of beginning.

(2) That certain quartz Mining Claim known as the East Buckeye Quartz claim, located November 18, 1919, by Arthur W. Hoge, location notice thereof being recorded in Book 27 of Mining Claims, at page 264, wherein said claim is described as follows:

Commencing at the North lode stake marked E. B. No. 1 from which the Northeast corner of the Buckeye Patent Lot 99, bears West 148 feet distant, thence from E. B. No. 1, East 100 feet to E. B. No. 3, being the Northeast corner of the East Buckeye Quartz Claim, thence South 1020 feet to E. B. No. 4; thence West 10 feet to E. B. No. 2, being the south lode stake of the East Buckeye Quartz Claim, thence West 10 feet to E. B. No. 5; thence North 17° 26' West 632 feet to E. B. No. 6, being also stake B. 4 of the Buckeye Patent, thence North 7° 26' West 421.7 feet to E. B. No. 7, being also stake B. 3 of the Buckeye Patent, thence East 148 feet to E. B. No. 1, the place of beginning. Said claim is bounded on the West by the Buckeye patent on the North by the Fountain Head patent and on the East by the L. Giacomitti ground.

(3) That certain quartz mining claim known as the Triangle Quartz claim, located November 11, 1919, by Arthur W. Hoge, location notice thereof being recorded in Book 27 of Mining Claims, at page 264, wherein said claim is described as follows:

Commencing at T No. 1, being the west lode stake of the Triangle Quartz Mine, thence North 1° 45' West 100 feet to T No. 3 being also a southwest corner stake of the Doolittle Placer Mine Patent; thence North 89° 3' East along the south boundary of the Doolittle P. M. 200 feet to T. No. 4, from which stake No. 4, of the North Montana Q. M. bears East 20 feet distant; thence from T. No. 5, South 1° 45' East 10 feet to T No. 2, being the East lode stake of the Triangle Q. M., thence South 1° 45' East 10 feet to T. No. 5, thence South 45° 45' West 268 feet to T No. 6 thence North 1° 45' West 100 feet to T No. 1, the place of beginning. Said claim is bounded on the North by the Doolittle P. M. patent, on the South by the North Montana Q. M., and on the West by the land of A. Cordia.

Parcel S: Commencing at the West line of the Buckeye Quartz claim on Slate Creek in Willow Valley, said County and State; thence down the center of said Slate Creek to the West line of the premises of Elizabeth Jones a distance of 1000 feet more or less with a width of 50 feet on each side of the center of said Slate Creek, said distance of 1000 feet more or less.

Excepting and Reserving therefrom all minerals and mineral rights of every kind with the right to mine and extract minerals beneath the surface of said claim without unreasonable injury to the surface, as reserved in the deed dated June 10, 1889, recorded July 2, 1889, in Book "75" of Deeds, at page 49, executed by George W. Welch to G. W. Jones.

Also Excepting Therefrom any portion thereof lying East of the Easterly line of the 3.02 acre parcel of land, conveyed by the deed dated June 4, 1896, recorded June 6, 1896 in Book "82" of Deeds, at page 789, executed by George W. Welch to T. B. Gray.

Dated at Nevada City, California, December 15, 1947.

FRANK G. FINNEGAN,
Trustee.

Jan. 6, 13, 20, 27

LEGAL NOTICE

No. 8821

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF NEVADA.

PEGGY WRIGHT, Plaintiff, vs. ALBERT F. WRIGHT, Defendant.

Action brought in the Superior Court of the State of California in and for the County of Nevada, and the Complaint filed in the office of Clerk of said County of Nevada.

The People of the State of California send greetings to ALBERT F. WRIGHT, Defendant.

You are hereby directed to appear, and answer the complaint in an action entitled as above, brought against you in the Superior Court of the State of California in and for the County of Nevada within ten days after the service on you of this Summons —if served within this county; or within thirty days if served elsewhere.

And you are hereby notified that unless you appear and answer as above required, the said Plaintiff will take judgement for any money or damages demanded in the Complaint, as arising upon contract, or she will apply to the Court for any other relief demanded in the Complaint.

Given under my hand and seal of the Superior Court of the State of California in and for the County of Nevada, this 8th day of July A. D. 1947.

R. N. McCORMACK, Clerk,
By R. E. DEEBLE, Deputy Clerk.
(SEAL)

Dec. 9, 16, 23, 30; Jan. 6, 13, 20, 27; Feb. 3, 10.

LEGAL NOTICE

No. 8909

IN THE SUPERIOR COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF NEVADA.

AGNES MARY RICE, Plaintiff, vs. JOSEPH RICE, Defendant.

Action brought in the Superior Court of the State of California in and for the County of Nevada, and the Complaint filed in the office of Clerk of said County of Nevada.

The People of the State of California send greetings to JOSEPH RICE, Defendant.

You are hereby directed to appear, and answer the complaint in an action entitled as above, brought against you in the Superior Court of the State of California in and for the County of Nevada within ten days after the service on you of this Summons —if served within this county; or within thirty days if served elsewhere.

And you are hereby notified that unless you appear and answer as above required, the said Plaintiff will take judgment for any money or damages demanded in the Complaint, as arising upon contract, or she will apply to the Court for any other relief demanded in the Complaint.

Given under my hand and seal of the Superior Court of the State of California in and for the County of Nevada, this 20th day of November, A. D., 1947.

(SEAL)

R. E. DEEBLE, Clerk
By: John Sbaffi, Deputy Clerk
Frank G. Finnegan, Attorney for Plaintiff.

Nov. 21, 28; Dec. 2, 9, 16, 23, 30; Jan. 6, 13, 20, 27.

LEGAL NOTICE

United States Department of the Interior, Bureau of Land Management, District Land Office Sacramento, California, November 25, 1947. M. A. 037940. Notice is hereby given that Quaker Hill Gold Mining Corporation, by its duly appointed attorney-in-fact, George E. Poore, whose post office address is Nevada City, California; has made application for mineral patent for the Aurora or Chollar, and the Summit Ridge No. 1 Placer Mining Claims, both situate in T. 16, N., R. 10 E., M. D. M., California, and more particularly described as follows, to-wit: Aurora or Chollar Place Mining Claim comprising Lots 3, 4, W½ of Lot 5, S½SE¼NW¼, W½NW¼SE¼, Sec. 7, T 16 N., R. 10 E., M. D. M., and the Summit Ridge No. 1 Placer Mining Claim comprising Lot 2, N½ SE¼NW¼, W½SW¼SE¼NW¼, Sec. 6, T. 16 N., R. 10 E., M. D. M. Location notices are recorded in Book 24 of Mining Claims at page 387, and in Book 27 of Mining Claims at page 214, Nevada County Records. All conflicts of the Summit Ridge No. 1 Placer Mining Claim with the Aurora or Chollar Placer Mining Claim are hereby expressly excluded from this application.

Date of first publication Dec. 9 1947.

Date of last publication Feb. 6, 1948.

Ellis Purlee, Acting Manager.

Dec. 9, 16, 23, 30, Jan. 6, 13, 20, 27, Feb. 6.

HARDY TRIAL

(Continued from Page 1)

the sheriff's office (of Clark County, Nevada) will go to as much trouble to help you as we will to prosecute you?"

Leypoldt answered: "I can't recall the exact words, but I think I did say something of the kind."

At this point, a few minutes after 3 P.M., the court called a recess. In his chambers for three quarters of an hour District Attorney Vernon Stoll and Finnegan for the defense, brought their best arguments to convince the court of their respective claims. The court resumed at 10 minutes of four. Finnegan asked a few more questions to confirm those Leypoldt had already answered. The district attorney moved that the confession be admitted to evidence. Finnegan immediately objected. Judge James Snell then dismissed the jury for the day, told them to meet at 10 A.M., but told the attorneys they could renew their arguments at 9 Wednesday when he would open court.

Said the court: "We will have to look up the law in this matter. We must find out what the supreme court has ruled in similar instances. The district attorney does not want to be overruled, and I am very certain this court does not."

No surprise witnesses are expected, such as was Mrs. Gladys Dolley, who testified in the trial of Lois Hardy. Lois told the whole damning story to Mrs. Dolly, but in the case of Joe, the only time he is known to have discussed the murder was in the jailer's office in Las Vegas.

So. if Judge Snell, this morning should again rule the confession out of the evidence, there is a chance Hardy might be acquitted.

When the jury was dismissed.

(Please Turn to Page 6)

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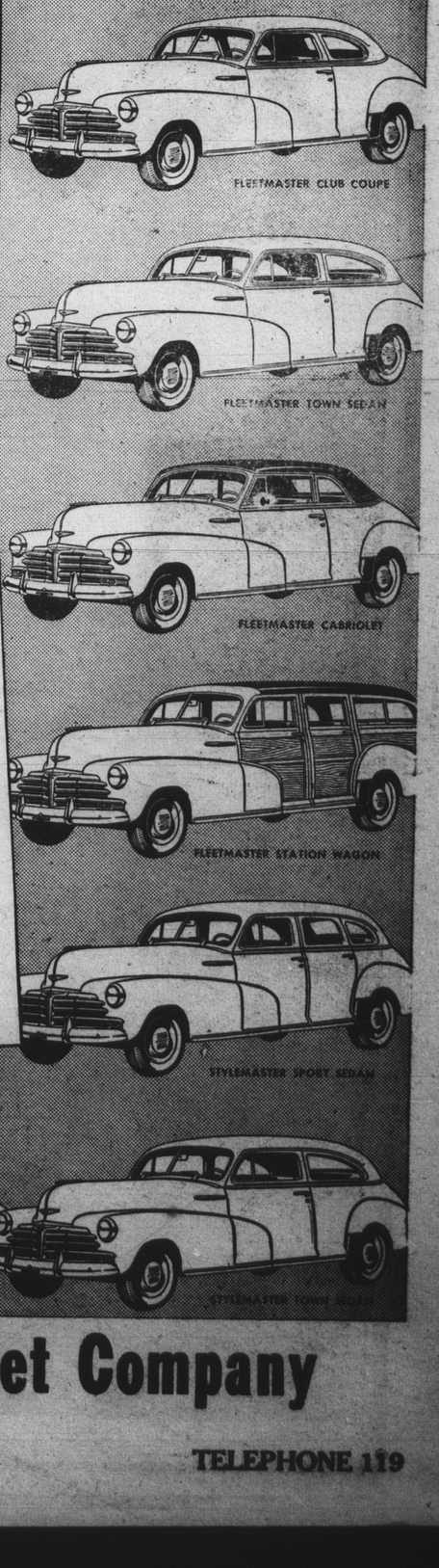

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HARDY TRIAL

(Continued from Page 5)

yesterday afternoon, the district attorney cited two cases that had run the gamut of juries, courts and judges successfully.

Finnegan stated he was ready to proceed with his argument then and there, but Judge Snell thought it would be better for counsel to look up their legal authorities and make their arguments before him Thursday morning.

Jesse H Strickland, resort owner at Hirschdale was a brief witness following Sheriff Richard W. Hoskins yesterday afternoon. He identified the defendant as having bought a glass of Scotch whiskey in his bar about 3 P.M. on the day of the McLain murder.

Next came Leypoldt, who recited the circumstances under which the confession of Lois and Joe Hardy were contained on Sunday, August 3rd in the Las Vegas jail. Rev. Craig Willoughby, as was customary he said, gave church services for jail inmates on Sunday afternoon. The Rev. Willoughby, following the service, acccording to Leypoldt, told him he wanted to talk with Lois and Hardy in the jailer's office. This request was granted. When the conversation was ended, the preacher told Leypoldt that the pair wanted to make a statement. He sent for another deputy sheriff, A. H. Kennedy, who arrived a little later and then went into the room with Lois and Joe Hardy and the Rev. Willoughby. Leypoldt said that Joe did most of the talking but was occasionally corrected on some detail by Lois. Leypoldt said he took down their statement in long hand and then had it typed. Joe Hardy signed it, and then he and Kennedy, and finally Lois. The statement was written in the first person, singular, and for this reason was not admitted to the Lois Hardy trial.

Thursday Session

Judge James Snell was asked Thursday evening by District Attorney Vernon Stoll to admit in evidence a long hand printed document on legal sized yellow ruled paper, in the trial of Joseph Hardy, accused of the murder of James W. McLain last July 31st, dismissed the jury again, and said that he would hear legal argument prior to the court's convening this morning.

Sheriff Hoskins was called to the stand to testify regarding the trip from Las Vegas to Truckee. He asid that on the way Hardy called attention to three places along Walker Lake where he said he had thrown the gun used to kill McLain. Hardy finally admitted he did not know which place it was.

"As a matter of fact," said the sheriff, after court was adjourned, "Hardy was sitting on the gun all the way back to Nevada City. It was under the rear cushion."

"At Mina", the sheriff testified, "Hardy told us where we could get a good meal. So we went there to eat. As we approached Hirschdale where the murder took place, Hardy pointed out the road they had taken with McLain to the fatal shooting."

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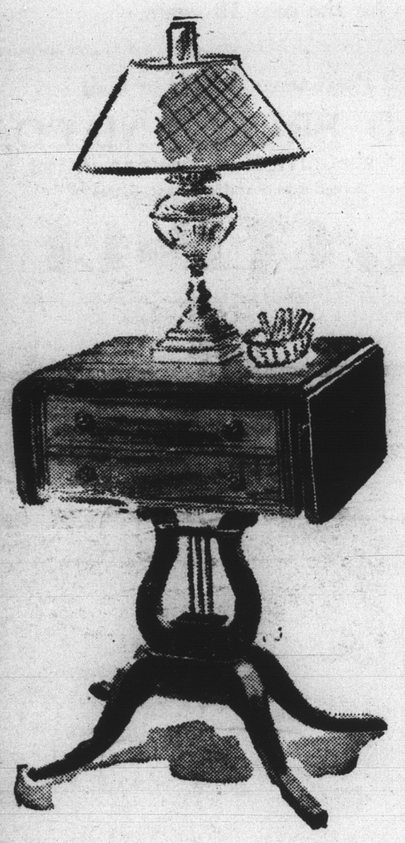

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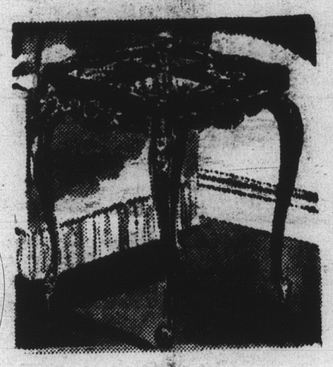

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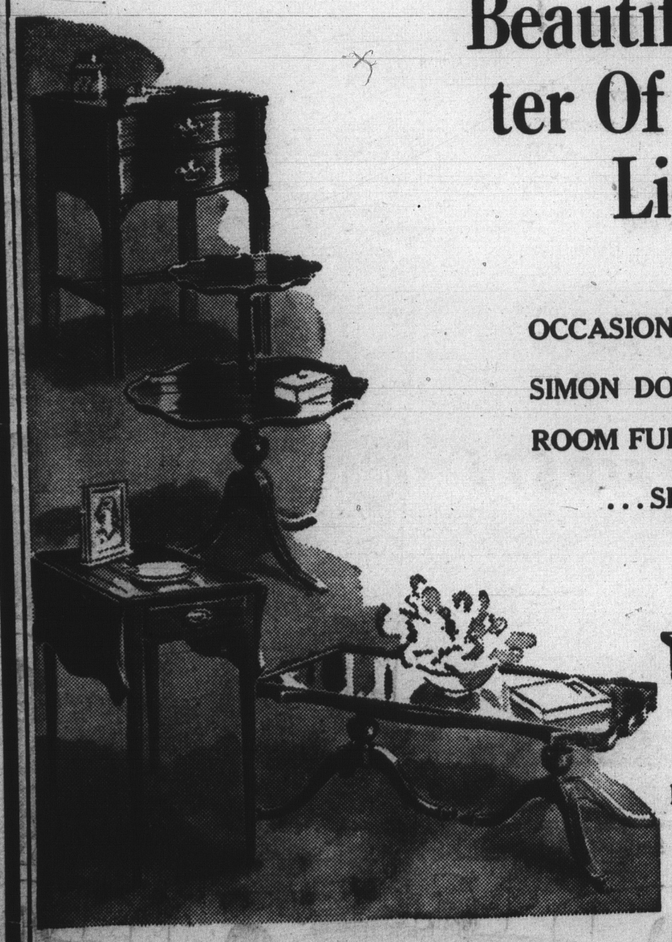

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